

WARREN COUNTY BOARD OF SUPERVISORS

Committee: Public Safety

Date: June 26, 2008

Committee Members Present:

Supervisors VanNess
 Bentley
 O'Connor
 Belden
 Haskell
 Stec
 Girard

Others Present:

Marv Lemery, Fire Coordinator/Director of the
 Office of Emergency Services
Bud York, Sheriff
Karen Putney, Administrator, Fire Prevention &
 Building Code Enforcement
Frederick Monroe, Chairman
Hal Payne, Commissioner of Administrative &
 Fiscal Services
Joan Sady, Clerk of the Board
JoAnn McKinstry, Deputy Commissioner of
 Administrative & Fiscal Services
Paul Dusek, County Attorney
Trish Nenninger, Second Assistant County
 Attorney
Kevin Geraghty, Budget Officer
Supervisor Strainer
Supervisor Thomas
Robert Swan, Undersheriff
Shane Ross, Chief Deputy
Brian LaFlure, First Deputy Fire Coordinator
Rich Kelly, Personnel Officer
Nicole Livingston, Deputy Clerk

Mr. VanNess called the meeting of the Public Safety Committee to order at 10:30 a.m.

Motion was made by Mr. Belden, seconded by Mr. Girard and carried unanimously to approve the minutes from the May 22, 2008 meeting of the Public Safety Committee, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Marv Lemery, Fire Coordinator/Director of the Office of Emergency Services (OES), who distributed copies of the OES Agenda to the Committee members, a copy of which is on file with the minutes.

Mr. Lemery commenced the Agenda review and stated Item 1 was a request to appoint and reappoint members of the Fire Advisory Board as outlined on the resolution request included with the agenda. He added that currently eleven Fire Chiefs comprised the Board; however, he said, he would like to eventually increase the number of members that served on the Fire Advisory Board. He noted that further discussions regarding the increase needed to be held with the Advisory Board and he would report back to the Committee at a later date.

Motion was made by Mr. Bentley, seconded by Mr. Belden and carried unanimously to approve the request as outlined above, and the necessary resolution was authorized for the next board meeting. A copy of the resolution request form is on file with the minutes.

Agenda Item 2, Mr. Lemery advised, was a request to appoint and reappoint members of the EMS Advisory Board as outlined on the resolution request included with the agenda. He noted that currently it was a nine member Board and it had been recommended to increase that number to eighteen in order to place every squad Captain in the County on the Board. Paul Dusek, County Attorney, interjected that if the number of members on the Board was set by State Law it could not be amended; however, he said, if it were established by resolution or local law it could be amended. Mr. Dusek further recommended that the Committee make a decision and he would work to accomplish it however he could.

Mr. Belden made a motion to table the request pending further research by Mr. Dusek and Mr. Stec seconded the motion.

Mr. Haskell stated he would rather approve the request and if it were determined that the number of members could be increased, Mr. Dusek would be authorized to prepare a resolution that outlined such.

Mr. Belden withdrew his motion and Mr. Stec withdrew his second to the motion.

Motion was made by Mr. Haskell, seconded by Mr. Girard and carried unanimously to approve the request to appoint and reappoint members to the EMS Advisory Board, and to increase the number of Board members from nine to eighteen, pending determination by the County Attorney. The necessary resolution was authorized for the next board meeting, and a copy of the resolution request form is on file with the minutes.

Mr. Lemery noted discussions had been held concerning applying for a Public Access Defibrillation Program to the Mountain Lakes Region to obtain certification, which would put AED's in responder vehicles, at no cost to the County. He added that approval was necessary to submit the application.

Mr. Haskell questioned if the Sheriff's patrol vehicles had AED's and Sheriff York replied affirmatively and noted that AED's were in every patrol vehicle. Mr. Girard said there would be futuristic costs for the replacement of batteries and training; however, he stated, those costs would be minimal.

Motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously to authorize submission of the necessary application for a Public Access Defibrillation Program.

Mr. Lemery apprised Item 3 on the Agenda was an update on the Training Center and he deferred to Mr. VanNess for a status report.

Mr. VanNess expounded a joint meeting of the Public Safety (OES) and Public Works (Airport) Committees had been scheduled for July 1, 2008 at 1:30 p.m. and he believed the answers that the Committee had been waiting for would be provided at that meeting. He requested all the Committee members be present at the joint meeting.

Mr. Lemery said Item 4 concerned the Initiative Grant Funds that were appropriated through Senator Little's Office for EMS requests. He commented that the tow vehicle had been ordered and the trailer for the emergency service generators and storage of equipment had been ordered, as well.

Concluding the Agenda review, Mr. Lemery advised that his Office continued to receive updated information from the Office of Homeland Security, the Division of EMS and the State Health Department regarding serious concerns with the upcoming winter due to rising fuel and food costs. He noted programs were being developed for Emergency Services and first responders to learn how to recognize these problems when arriving on the scene of an incident.

Mr. VanNess announced that the Office of Emergency Services portion of the meeting had concluded and he extended privilege of the floor to Bud York, Sheriff, who distributed copies of the Sheriff's Agenda to the Committee members, a copy of which is on file with the minutes.

Commencing with Item 1 of the Agenda, Sheriff York said was a discussion of the closing of certain Capital Projects. Mr. VanNess interjected that at the recent Finance Committee meeting, it was mentioned that one of the Sheriff's Capital Projects may be closed. He specified that it was the Sheriff's Vehicles Capital Project which contained approximately \$300,000 for the purchase of vehicles. He further explained that Sheriff York had agreed to close the Capital Project at the end of the year. Sheriff York added that the County Treasurer's Office had determined that some capital projects were not being administered correctly. He stated that he had agreed to purchase vehicles to get the Department through the next few years, and at the end of the year, the Capital Project would be closed; however, he said, the necessary funds would be included as a line item in his budget in the future.

Discussion ensued regarding the purchase of Sheriff vehicles. Mr. VanNess clarified that the Sheriff would be purchasing vehicles this year with the funds that were in the existing Capital Project. He said that those vehicles would be stored until needed; thereby eliminating the funding of vehicle purchases for the next year or two. He stated that in 2010, funds would be included in the Sheriff's budget as a line item for vehicle purchases, as opposed to funding a Capital Project. Mr. VanNess added that the aforementioned Capital Project would be closed at the end of 2008.

Returning to the Agenda review, Sheriff York expounded Item 2 was a request to amend the 2008 County budget to increase estimated revenues and appropriations in the amount of \$4,900 to reflect receipt of revenues obtained from the Wireless 911 Reimbursement Program.

Motion was made by Mr. Haskell, seconded by Mr. Belden and carried unanimously to approve the request to amend the 2008 County budget as outlined above, and to refer same to the Finance Committee. A copy of the resolution request form is on file with the minutes.

Item 3, Sheriff York apprised, were requests for three Corrections Officers to attend the Jail Administrators Conference in Albany, New York on September 22, 2008.

Motion was made by Mr. Haskell, seconded by Mr. Girard and carried unanimously to authorize three Corrections Officers to attend the Jail Administrators Conference as outlined above. Copies of the Authorization to Attend Meeting or Convention are on file with the minutes.

Sheriff York announced there were two additional items he would like to discuss that were not included on the Agenda. He requested Brian LaFlure, First Deputy Fire Coordinator, to explain the first item to the Committee. Mr. LaFlure informed the Committee that a bid had been sent out for the maintenance and servicing of the fire alarm systems for the Municipal Center building and the Public Safety building. The issue that arose, he said, was that the system in the new Public Safety building was a digital system, as compared to an analog system, and the software included in the digital panel was proprietary and could only be serviced by Simplex, which was the company that installed it. He added the same problem had been confronted a few years ago.

Mr. Dusek said that he recalled that the bid documents stated that the County could choose the lowest bidder for each building. He further explained that the lowest bidder could be awarded the contract for the system in the Municipal Center building and because that bidder could not comply with the specifications for the Public Safety building, the next bidder, being Simplex, could be awarded the contract for the Public Safety building. Mr. Dusek added that according to the engineers, this had become a common practice in the industry, in which companies were developing their own systems and refusing to release the source codes to service the systems.

Motion was made by Mr. Belden, seconded by Mr. Haskell and carried unanimously to award the contract to Simplex for the maintenance and servicing of the fire alarm system for the Public Safety building. The necessary resolution was authorized for the next board meeting.

Discussion ensued regarding the bidding process and the issuance of RFP's (Requests for Proposals) for various contracts throughout County departments.

Sheriff York stated the last item for discussion concerned the salary of the Undersheriff. He explained that Undersheriff Swan had not been receiving his longevity included in his pay and he requested direction from the Committee as to how this should be handled. He said his longevity totaled \$6,000 and the funds were included within the budget. He reminded the Committee that Undersheriff Swan had been employed with the County for nearly thirty years.

Mr. VanNess commented that there were legal issues involved and the County Attorney had reviewed this issue. Mr. Dusek advised that longevity required continuous years of service with the County and the problem was that Undersheriff Swan had retired from the County and then returned to County employment with the District Attorney's Office; therefore, he said, by law, there was a break in service, which eliminated the possibility of receiving longevity. He further stated that the Committee could approve an increase in salary to include the \$6,000 that had technically been earned for longevity.

Motion was made by Mr. Belden and seconded by Mr. Bentley to increase the salary of the Undersheriff in the amount of \$6,000.

Mr. Haskell expressed his concern that if Undersheriff Swan did leave employment with the County, the next individual to fill the title would receive that additional \$6,000 in the salary, plus longevity if they were previously employed in the Sheriff's Department. Mr. VanNess said the Committee would have the opportunity to readjust the salary when a new Undersheriff was selected.

Mr. Stec noted that Undersheriff Swan had been collecting retirement and Sheriff York corrected Mr. Stec and stated that Undersheriff Swan's retirement had been suspended in order for him to get back into the retirement system and he was not receiving any retirement payments. Mr. VanNess added that Undersheriff Swan was obligated to pay back four years of his monthly retirement payments to the State Retirement System.

Following discussions, Mr. VanNess called the question and the motion was carried by majority vote to approve a \$6,000 increase in salary for the Undersheriff, with Mr. Haskell voting in opposition, and to refer same to the Personnel Committee.

Mr. VanNess announced that the Sheriff's portion of the meeting had concluded and he extended privilege of the floor to Karen Putney, Administrator of Fire Prevention & Building Code Enforcement, who distributed an Agenda to the Committee members, a copy of which is on file with the minutes.

Mrs. Putney commenced the Agenda review with Item 1 and noted that the monthly activity reports for Building Codes for the months of March, April and May were included in the Agenda packet for the Committees review. She pointed out that there was a 2% increase in permits from this time last year.

Item 2, Mrs. Putney said, was the Budget Performance Report which was also included in the Agenda packet. She referred to a chart that she had compiled attached to the

Budget Performance Report. She reminded the Committee that her Department had purchased a vehicle for approximately \$14,000, which had not been included in the budget and, therefore she had transferred funds within her budget to cover the expense. Due to the purchase of the vehicle, she said she would be experiencing shortfalls in specific codes prior to the end of the year. She stated she was requesting \$7,000 be transferred from Contingent Fund into the codes she listed on the chart.

Mr. VanNess interjected that the Committee had requested Mrs. Putney to utilize funds within her budget to purchase the vehicle due to an error during the budget process. He said that the Committee members were well aware that she would be requesting additional funds prior to the end of the year. Mr. Geraghty suggested that Mrs. Putney be authorized to run in the negative in order for a true accounting of the budget to be determined for each line item.

Joan Sady, Clerk of the Board, exited the meeting to determine if it were legal to allow a budget to run in the negative. Upon returning to the meeting, Mrs. Sady advised that according to Richard Murphy, Deputy Commissioner of Fiscal Services, the funds must be transferred into the budget and it was not permissible to run a negative balance.

Discussion ensued regarding the shortfall within specific budget codes. Following the discussions, a recommendation was made that since it appeared that there were excess funds in the .1 codes (salaries) that the shortfall be handled by a transfer from there into the appropriate budget codes.

Motion was made by Mr. Haskell and seconded by Mr. Girard to transfer \$7,000 from the .1 codes into the various codes where shortfalls were anticipated.

Hal Payne, Commissioner of Administrative and Fiscal Services, suggested that \$10,000 be transferred so that Mrs. Putney would not have to return to the Committee requesting additional funds at a later date.

Mr. Haskell amended his motion to approve a transfer in the amount of \$10,000 out of the .1 codes into various codes with anticipated shortfalls and Mr. Girard seconded the amended motion. Mr. VanNess called the question and the motion was carried by majority vote to approve the request as outlined above, with Mr. VanNess voting in opposition, and the request was referred to the Finance Committee. *(Note: Subsequent to the meeting, it was learned that there were not surplus funds in the .1 (salaries) code because of a payroll error. Therefore, a transfer of \$10,000 from Contingent Fund was recommended).*

Additionally, Mrs. Putney requested a transfer of funds in the amount of \$119 due to the lack of funds in the .4 codes, office supplies

Motion was made by Mr. Belden, seconded by Mr. Haskell and carried unanimously to approve the request for a transfer of funds as outlined above, and to refer same to the Finance Committee. A copy of the Request for Transfer of Funds is on file with the minutes.

Returning to the Agenda review with Item 3, Mrs. Putney advised that in the past, Temporary Certificates of Occupancy had never been issued; however, she said, the revised New York Code Rules and Regulations (NYCRR), Title 19, had included the issuance of such, which was reflected in the County Local Law No. 12 of 2007. She further stated the Temporary Certificates of Occupancy (CO's) were becoming an issue, in that people were not completing their projects, which had led to an enforcement problem. She outlined specific instances for the Committee's information. Mrs. Putney said she had done research on this matter and had found that some towns required a deposit for a Temporary CO, they continuously renewed the CO's and if the project was not completed, they summoned the applicant to court to resolve the issue. Other places, she noted, simply did not include the authorization of Temporary CO's in their local law. Mrs. Putney expounded she had reviewed this matter at great length with Mrs. Nenninger and they had determined there were three ways in which the County could handle this. One way, she said, would be to amend the local law to exclude the issuance of the Temporary CO's; another, she stated, would be to re-write the local law to allow the continuation of renewals of Temporary CO's, which still became an enforcement issue. The third option, she added, would be to take no action and to continue operating as they were.

Mr. VanNess commented that the third option of taking no action was not realistic because that would put the County in violation of New York State Law if Temporary CO's were being issued and projects were not being completed and Mrs. Putney agreed. Mr. VanNess further suggested that a one time six month extension be added to a Temporary CO, thereby amending Local Law No. 12 of 2007. Mr. Belden recommended that the extension only be allowable for residential buildings, not commercial.

Discussion ensued and the Committee requested Mrs. Nenninger to further research the possible actions that the County could take.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously that the issue of temporary CO's be tabled pending further research by the County Attorney's Office to be presented at the next Committee meeting.

Concluding the Agenda review, Mrs. Putney apprised Item 4 included updates on the following issues of water, septic and flood plain areas. She explained that the code required that when an individual occupied a building, her Department had to be sure that certain regulations were met concerning water supply. She further stated that at the town level, no one had ensured that any wells had portable water. She proposed that when a permit was issued, a sign-off sheet be included that required the name and registration number of the well driller be provided, which were all regulations that were required within the Building Codes. It would also require, she said, that they be registered with the Department of Environmental Conservation (DEC) and a completion report must be filed once the well was drilled. She noted that a similar form developed by the Department of Health was included in the Agenda packet, a copy of which is on file with the minutes.

Mr. VanNess questioned if this was a State Code and Mrs. Putney replied affirmatively. Mrs. Putney added she would continue to research this matter and report back to the Committee with her findings.

With regard to septic issues, the Committee requested Mrs. Putney to provide an update at the next Committee meeting.

In connection with flood plain areas, Mrs. Nenninger advised that there was not one obvious answer to any of the aforementioned issues which was why they were being brought to the Committees attention. She further stated that the Town of Chester had received a letter from the DEC, who was the agent for FEMA (Federal Emergency Management Act), regarding the National Flood Insurance Program and all the towns in Warren County had entered into this Program through an adoption of a local law. She explained that the Program offered discounted flood insurance to residents or the option to obtain flood insurance through the FEMA Program. She added that through the years, the towns were supposed to be issuing flood plain development permits, requiring elevation certificates and elevating new construction for compliance with flood proofing requirements. Mrs. Nenninger said it had not been determined, as of yet, if towns had been following the outlined procedures; however, she noted, the DEC had requested the Town of Chester to provide proof that the requirements had been followed since the time that the local law was passed back in the 1980's and compliance to the present. Mrs. Putney interjected that the current Code included the construction requirements for those places built in a flood plain area.

Mrs. Nenninger announced that this issue would eventually have to be addressed by other towns, as well. She said that she would continue to review and research how the County could be involved on behalf of the towns and she would keep the Committee updated with information she obtained.

There being no further business to come before the Committee, on motion made by Mr. Haskell and seconded by Mr. Girard, Mr. VanNess adjourned the meeting at 12:15 p.m.

Respectfully submitted,

Nicole Livingston
Deputy Clerk